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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,528	07/17/2003	Jagdeep N. Thaker	03122	2483
7590 FUZAIL & ASSOCIATES 2413 BALDWIN COURT SCHAMBRG, IL 60193			EXAMINER DOTE, JANIS L	
			ART UNIT	PAPER NUMBER
			1756	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		03/27/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/621,528

Examiner

Janis L. Dote

Applicant(s)

THAKER, JAGDIP N.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 9 January 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other see the attached.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: see the attached.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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**Attachment: Notice of NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Only the corrected sections of the non-compliant amendment document must be resubmitted (in its entirety). In this case, both the entire "Amendment to the specification" section and the entire "Amendment to the claims" section filed on Jan. 9, 2007, must be resubmitted. 37 CFR 1.121(h).

The "Amendment to the specification" section filed on Jan. 9, 2007, does not comply with 37 CFR 1.121 for the following reason:

Item C: That "Amendment to the specification" section merely replaces words at page 8, lines 19, 21, and 22, and at pages 11-14; rather than replacing paragraphs or sections, e.g., the "Summary of the invention" section or the "Detailed description of the invention" section. For example, the amendment at page 8, line 19 replaces the word "Bontron" with the word -- BONTRON --."

37 CFR 1.121(b) states that "[a]mendments to the specification . . . must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section" (emphasis added).

The "Amendment to the Claims" section filed on Jan. 9, 2007, does not comply with 37 CFR 1.121 for the following

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reason:

Item E: Applicant is trying to amend a claim that is not present in the instant application. The amendment to claim 18 filed on Jan. 9, 2007, appears to underline text that was previously added to claim 18 in the amendment filed on Feb. 22, 2006. The amendment to claim 18 filed on Jan. 9, 2007, is confusing because it is not clear what new text is being added to the immediate prior version of claim 18 filed on Feb. 22, 2006.

The text added, when the immediate prior version of claim 18 was filed on Feb. 22, 2006, should not be underlined. Applicant should only underline new text that is to be added to the immediate prior version of claim 18.

Furthermore, in the remarks filed on Jan. 9, 2007, applicant states that certain words in the text of the immediate prior version of claim 18 filed on Feb. 22, 2006, were changed in the amendment filed on Jan. 9, 2007, e.g., the misspelled word "polyermized" was rewritten to read -- polymerized --. However, there are no markings in the "currently amended" claim 18 filed on Jan. 9, 2007, to indicate deletion of text. Applicant should show all deletions of text to the immediate prior version of claim 18 filed on Feb. 22, 2006, with the proper markings, i.e., double brackets or strike-through.

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37 CFR 1.121 reads: "[W]hen claim text with markings is required. All claims being currently amended . . . shall . . . be submitted with markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any added subject must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets [i.e., [[ ]]] placed before and after the deleted characters may be used to show deletion of five or fewer consecutive letters" (emphasis added).

In addition, 37 CFR 1.52(b)(2)(i) requires that the "specification (including the abstract and claims) . . . and any amendments for applications . . . must have . . . lines that are 1 1/2 or double spaced." The single-spaced amendments filed on Jan. 9, 2007, are difficult to read, especially in the electronically stored images that are the official record. All future amendments should be filed in 1 1/2 or double-spaced mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

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(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD

Mar. 23, 2007

*Janis L. Dote*  
**JANIS L. DOTE**  
**PRIMARY EXAMINER**  
**GROUP 1500**  
1700